

MINUTES OF THE SEPTEMBER 9, 2005  
MEETING OF THE BLS-ADR COMMITTEE

ATTENDEES

Eleanor Barr  
Michael Carbone  
Paul Dubow  
Michele Flurer  
Jane Garzilli  
Ruth Glick  
Susan Keenberg  
Carol Millie  
Barry Newman  
Gerald Phillips  
Jon Sylvester  
Eric Van Ginkle  
Ken Weinman

The meeting was called to order at 10 a.m. It was a lively meeting of the Committee which began with a welcome by Barry Newman as the official representative of San Diego followed by self introductions by those present.

The minutes of the June 30, 2005 meeting were approved unanimously.

Eleanor Barr reviewed the structure for the committee and distributed her report to those present. She said that henceforth we will have 16 voting members [to be increased to 22] and an unlimited number of non-voting members. We will have only one Vice Chair, who will also be the point person for the website. Eleanor agreed to update the membership list. Ken mentioned that four of the Southern California contingent will be going off the committee at the end of 2006. Recruitment was discussed and all agreed to watch for those who have already expressed an interest in ADR. The Committee agreed that we could use more corporate counsel, litigators and academics on the Committee.

We have a list-serve for both the Committee and its constituency. It was requested that all communications between the committee be conducted through our email list serve. There was discussion about potential problems with conversations that are not intended for others and there was general agreement that for those written conversations it is best not to use lists serve. Currently we can communicate with about 250 members through the constituency list. Also, there are about 10,000 members in the entire BLS who can receive email communications from us via E-Bulletins and the E-News.

With regard to the website, we can now put members' photos on the site. Members of the Committee should direct issues and information of importance to Susan Keenberg, Vice

Chair for the website. Also, articles are sought. The website has been reorganized over the past six months. It was discussed and agreed that the site should include the pieces on the formation of the ADR committee as well as transactional materials, such as ADR clauses and examples of the clauses that have been used in different circumstances. A question came up as to whether published articles are considered a committee statement or the individual author statement. No resolution was reached. Ken will put his report on durable powers of attorney on the website.

Paul will do the annual review of developments again this year.

We discussed the Mission Statement and agreed to exchange ideas for improvements via email. Everyone has two weeks to submit their proposed amendments as pertains to certification and scope of the work of the Committee.

Eleanor and Mike will be point persons for the Business Law News. The deadline for article for the Business Law News is the end of each calendar quarter.

Ken suggested that Eleanor and Mike meet with Ronald George to get ideas on how the judiciary can work with us. Other ideas were the development of a pamphlet for litigators, meeting with the ADR subcommittee of the Judicial Council, whether the judiciary can be asked to promote the services of private mediators, and others.

A report was given on 2004 activities.

Then followed a discussion of how to improve the visibility of our committee among the Bar. Again, in the context of discussing programs, the subject of drafting ADR clauses came up again and collecting the clauses in a manual to include clauses for different circumstances. The project should be completed by the end of the year.

Next was discussion on whether we should establish a relationship with the CDRC, have an automatic seat on the BLS Executive Committee, offer web based programs, be more relevant to the BLS, and conduct programs with the Corporate Counsel Committee on in-house ADR solutions. Ideas were exchanged on matters of the ADR Clause Drafting Manual, and collaborating with the Health Law, the Franchise Law Committees.

Jane Garzilli reported that the committee submitted two proposals for the 2006 Section Education Institute Conference, one on "impediments to settlement" and the other on "med-arb". The Bar has selected the "med-arb" program. Committee members discussed possible changes to the wording of the approved program description. Jane Garzilli undertook to revise the description accordingly and to resubmit it to Peter Szurley, so that the published materials about the SEI Conference will reflect the new wording.

Michele Flurer discussed the use of "Webinars, internet based seminars." It was suggested that two programs be undertaken this year, the topics of which were to be discussed at a later date. Michele would further explore the providers and costs and

discuss with the Section Administrator the possibility of having outside sponsors to cover the costs.

The legislative report was given by Susan.

Mike will email the schedule of proposed for future meetings. They must be on Thursdays at noon, alternating between north and south. Question was raised; do we want to do a web video of the meetings?

Being no further business, the committee adjourned at 11:45 a.m.